

1.1 A bill for an act
1.2 relating to health; establishing licensure for birthing centers; amending
1.3 Minnesota Statutes 2008, section 256B.0625, by adding a subdivision; proposing
1.4 coding for new law in Minnesota Statutes, chapter 144.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[144.615] BIRTHING CENTERS.**

1.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions
1.8 have the meanings given.

1.9 (b) "Birthing center" means a facility licensed for the primary purpose of performing
1.10 low-risk deliveries that is not a hospital or attached to a hospital, and where births are
1.11 planned to occur away from the mother's usual residence following a low-risk pregnancy.

1.12 (c) "CABC" means the Commission for the Accreditation of Birth Centers.

1.13 (d) "Low-risk pregnancy" means a normal, uncomplicated prenatal course as
1.14 determined by documentation of adequate prenatal care and the anticipation of a normal
1.15 uncomplicated labor and birth, as defined by reasonable and generally accepted criteria
1.16 adopted by professional groups for maternal, fetal, and neonatal health care, and generally
1.17 accepted by the health care providers to whom they apply.

1.18 Subd. 2. **License required.** (a) Beginning January 1, 2011, no birthing center
1.19 shall be established, operated, or maintained in the state without first obtaining a license
1.20 from the commissioner of health according to this section. The license is effective for
1.21 one year following the date of issuance.

1.22 (b) A license issued under this section is not transferable or assignable and is subject
1.23 to suspension or revocation at any time for failure to comply with this section.

(c) A birthing center licensed under this section shall not assert, represent, offer, provide, or imply that the center is or may render care or services other than the services it is permitted to render within the scope of the license issued.

(d) The license must be conspicuously posted in an area where patients are admitted.

Subd. 3. **Application.** An application for a license to operate a birthing center and the applicable fee under subdivision 7 must be submitted to the commissioner on a form provided by the commissioner and must contain:

(1) the name of the applicant;

(2) the site location of the birthing center;

(3) the name of the person in charge of the center;

(4) documentation that the standards described under subdivision 5 have been met; and

(5) any other information the commissioner deems necessary.

Subd. 4. **Suspension, revocation, and refusal to renew.** The commissioner may refuse to grant or renew, or may suspend or revoke, a license on any of the grounds described under section 144.55, subdivision 6, or upon the loss of accreditation by the CABC. The applicant or licensee is entitled to notice and a hearing as described under section 144.55, subdivision 7.

Subd. 5. **Standards for licensure.** (a) To be eligible for licensure under this section, a birthing center must be accredited by the CABC. If the birthing center loses its accreditation, the birthing center must immediately notify the commissioner.

(b) The center must have procedures in place specifying criteria by which risk status will be established and applied to each woman at admission and during labor.

Subd. 6. **Limitations of services.** The following limitations apply to the services performed at a birthing center:

(1) surgical procedures must be limited to those normally accomplished during an uncomplicated birth, including episiotomy and repair;

(2) no abortions may be performed; and

(3) no general or conduction anesthesia may be performed.

Subd. 7. **Fees.** The annual license fee for a birthing center is \$....., and shall be collected and deposited according to section 144.122.

Subd. 8. **Renewal.** A license issued under this section shall expire one year from the date of issue. An application for renewal shall be submitted at least 60 days prior to expiration of the license on forms prescribed by the commissioner of health.

Subd. 9. **Records.** All records maintained on each client by a birthing center are subject to sections 144.292 to 144.298.

3.1 Sec. 2. Minnesota Statutes 2008, section 256B.0625, is amended by adding a
3.2 subdivision to read:

3.3 Subd. 54. **Services provided in birthing centers.** Medical assistance covers
3.4 services provided by a birthing center licensed under section 144.615, if the service would
3.5 otherwise be covered if provided in a hospital. The commissioner shall apply for any
3.6 necessary waivers from the Centers for Medicare and Medicaid Services to allow birthing
3.7 centers and birthing center providers to be reimbursed.